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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,992	06/25/2003	Harald Lichtinger	2003P06347US; 60,426-613	4774
24500	7590	04/25/2005	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			GIBSON, RANDY W	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,992

Applicant(s)

LICHTINGER ET AL.

Examiner

Randy W. Gibson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 35-47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment where the "rigid member" is attached to "one of said male or female members" must be shown or the feature(s) canceled from the claim(s). Currently, the rigid member is not shown attached to anything, so it is unclear exactly where this rigid member attaches itself to the seat belt. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: it is unclear from the written description exactly how the "rigid member" could be attached to the "one of said male or female members". Since loop 46 is intended to hold a portion 22 of the belt, and the other end is intended to attach to the vehicle frame, then what part of sensor assembly is attached to the male or female member of the seatbelt buckle? Apparently none of it is since this sensor assembly as described is attached between the belt and the frame, not between a portion of the buckle and the vehicle frame. Appropriate correction is required.

Claim Objections

3. Claims 35-47 are objected to because of the following informalities: it is unclear what is meant by the claim limitation of "a rigid member attached to only one of said male or female members and having a first end for supporting a seat belt portion and a second end integrally formed with said first end for attachment to a vehicle structure", since this is not actually shown nor described. Since loop 46 is intended to hold a portion 22 of the belt, and the other end is intended to attach to the vehicle frame, then what part of sensor assembly is attached to the male or female member? Apparently none of it is since this sensor assembly as described is attached between the belt and the frame, not between a portion of the buckle and the vehicle frame as claimed. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki (US # 6,264,236) in view of in view of Steffens, Jr. (US # 6,282,473 B1). Aoki discloses the claimed invention including a plurality of weight sensors (21) and a seatbelt tension sensor (Figure 2a). Aoki discloses the claimed invention except for determining the occupant's center of gravity. Steffens, Jr. teaches that it is known in a four corner seat sensor system, such as the one of Aoki, to use the four separate weight sensor signals to determine occupant's center of gravity to give more precise control over the amount of inflation of the airbag to prevent injury to the occupant based on his Location (Col. 3, lines 15-23., Col. 5, line 48 to col. 6, line 42; Col. 9, lines 7-65). It would have been obvious to modify the device of Aoki to determine occupant's center of gravity, as taught by Steffens, Jr., to give better control over the amount of airbag inflation.

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. However, some of applicant's arguments could be applied to the new rejection, and are addressed below.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant argues that "[t]he examiner has pointed to no teaching in Steffens of any particular benefit to using the Steffens center of gravity determination in [another reference], i.e. there is no teaching in Steffens that indicates determining center of gravity improves airbag control." This statement is demonstrably false as any cursory scanning of the previous rejection will show. The applicant cannot persuade the examiner that his rejection was incorrectly made by simply ignoring what the examiner said.

In response to applicant's argument that the base reference contains nothing that would have led one of ordinary skill in the art to believe that its system was in any way deficient or was in need of modification, the examiner notes there is no requirement that an "express, written motivation to combine must appear in prior art references before a finding of obviousness." See *Ruiz v. A.B. Chance Co.*, 357 F.3d 1270, 1276, 69 USPQ2d 1686, 1690 (Fed. Cir. 2004). For example, motivation to combine prior art references may exist in the nature of the problem to be solved (*Ruiz* at 1276, 69

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USPQ2d at 1690) or the knowledge of one of ordinary skill in the art (*National Steel Car v. Canadian Pacific Railway Ltd.*, 357 F.3d 1319, 1338, 69 USPQ2d 1641, 1656 (Fed. Cir. 2004)). The examiner also notes that companies and inventors always have an economic incentive to constantly try to improve old devices in order to stay ahead of the competition. Also, since no apparatus is ever perfect, companies and inventors have a built-in incentive to constantly tinker with and improve any successful device in an attempt to make it more efficient for its intended use. Claiming that a disclosed device is in no way deficient is never an accurate statement since no device can ever be described as perfect or 100 percent efficient. There is always room for improvement in any device and every inventor inherently knows this.

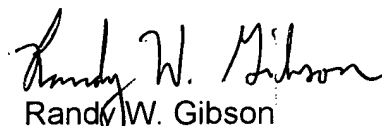
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Randy W. Gibson
Primary Examiner
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